

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL DOCKET NO.: 3:94CR40**

UNITED STATES OF AMERICA)
)
)
vs.)
)
TONY OSIAS (2),)
)
)
Defendant.)
)

THIS MATTER is before the Court on Defendant's "Motion to Terminate Supervised Release," filed October 11, 2005. On January 4, 1996, the Court sentenced Defendant to 142 months imprisonment and five (5) years supervised release. On September 4, 2002, Defendant filed a Motion to Modify his sentence, specifically asking the Court to strike the twenty-first condition of supervised release, which required him to reimburse the United States for the cost of his court-appointed counsel. In an Order dated September 24, 2002, the Court denied Defendant's Motion to Modify his sentence. Defendant's supervised release commenced on August 6, 2004 in the Middle District of Florida and will expire on August 5, 2009.

On December 14, 2004, the Government filed a Motion to Deny Travel Abroad, advising the Court that Defendant had requested permission to travel Saudi Arabia for a religious pilgrimage and asking the Court to deny such request. On December 21, 2004, the Court granted the Government's Motion to Deny Travel Abroad.

Defendant now asks the Court to terminate his supervised release so that he can make the Muslim Holy Pilgrimage to Mecca, Saudi Arabia. Defendant further desires to travel to his parents' home land as well as to see family in Haiti.

In response, the United States Probation Officer supervising Defendant advises the Court

that although Defendant is adjusting well to supervision, Defendant's Motion should be denied.

Taking into consideration the factors set forth in 18 U.S.C. § 3553(a), and after the defendant has completed at least one year of supervised release, a court may terminate a term of supervised release if the court is satisfied that such termination is warranted by the conduct of the defendant and the interest of justice. 18 U.S.C. § 3583(e). Accordingly, the Court has considered the relevant factors in 18 U.S.C. § 3553(a), the conduct of Defendant, the interests of justice, and the recommendation of the United States Probation Office. Upon such review the Court finds that termination of supervised release would be premature at this time.

IT IS, THEREFORE, ORDERED, that Defendant's Motion to Terminate Supervised Release is hereby **DENIED**.

The Clerk is directed to send copies of this Order to defense counsel, the United States Attorney, and the United States Probation Office.

Signed: December 13, 2005



Richard L. Voorhees
United States District Judge



